



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.03US02

Stephen D. Kuslich

Confirmation No.: 6813

Application No.: 10/702,096

Examiner: Unknown

Filed: November 05, 2003

Group Art Unit: 3738

For: A SEMI-BIOLOGICAL INTERVERTEBRAL DISC REPLACEMENT SYSTEM

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RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

In response to the Notice to File Missing Parts of Application - Filing Date Granted (copy attached) mailed July 1, 2004, submitted herewith is an executed Combined Declaration and Power of Attorney. Applicant is entitled to small entity status in accordance with 37 CFR 1.27. A check in the amount of \$867.00 is enclosed to cover the surcharge and filing fee. The Commissioner is hereby authorized to grant any extensions of time and to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required during the entire pendency of this application to Deposit Account No. 16-0631.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notice to File Missing Parts. Accordingly, examination and allowance of this application in due course are respectfully solicited.

Application No. \*

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 16-0631.

Respectfully submitted,



Wendy J. Cusick  
Registration No. 52,788


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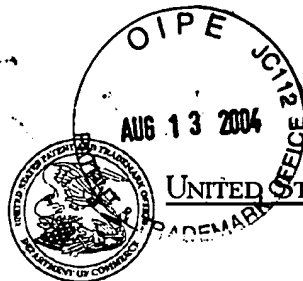
*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.*

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

8-10-04  
Date of Deposit

  
Wendy J. Cusick



UNITED STATES PATENT AND TRADEMARK OFFICE

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IFW #

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/702,096	11/05/2003	Stephen D. Kuslich	3110.03US02

CONFIRMATION NO. 6813

## FORMALITIES LETTER



\*OC000000013120053\*

24113  
 PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.  
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Date Mailed: 07/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/16/2004 MAHME1 00000056 10702096

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2051	65.00 OP
03 FC:2202	288.00 OP
04 FC:2201	129.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-10.
- Replacement claim(s) commencing on a separate sheet in compliance with 37 CFR 1.75(h) and 1.121 is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$417** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

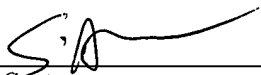
Total additional fee(s) required for this application is **\$867** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$417**
  - **\$129** for **3** independent claims over 3.
  - **\$288** for **32** total claims over 20.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE